

Discussion of California's Educator Discipline Process

August 2011

Overview of this Report

This agenda item presents information about California's educator discipline process. The Committee of Credentials (COC) is the statutory body that reviews instances of educator misconduct in California. The COC is distinct from the Committee on Accreditation (COA). Both groups are appointed by the Commission based on California Law {Committee of Credentials § 44240; Committee of Accreditation § 44373}.

This item is presented to inform the members of the COA and the public since the educator discipline process has been a focus since the Bureau of State Audits released its April 7, 2011 report.

Staff Recommendation

This is an information item

Background

Information about the Commission's educator discipline process has not been widely shared until recently. Staff will describe the process using two resources developed since the BSA report was released.

Attachment 1: PowerPoint slides from the July 12 webinar describing the educator discipline process. The webinar is archived and can be accessed from the Commission's web page

Attachment 2: Graphic representation of California's educator discipline process

At the Commission's August 2011 meeting, staff will present an agenda item (<http://www.ctc.ca.gov/commission/agendas/2011-08/2011-08-2A.pdf>) proposing a series of stakeholder meetings to discuss the current discipline process.

Next Steps

Staff will update the COA as discussions of modifications in California's Educator Discipline process take place.

California's Educator Discipline Process

July 12, 2011



Topics

- Purpose and Responsibilities
- Reports of Misconduct
- Jurisdiction
- Mandatory Actions
- Discretionary Review
- Adverse Actions
- After the Commission takes action
- Questions?



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Questions!

Please send your questions to

CTCDiscipline@ctc.ca.gov

If possible, please try to identify the topic from Slide 2 under which your questions fits



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What is the Purpose of the Educator Discipline Process?

State law establishes a multi-step discipline process to address allegations of misconduct in order to:

- keep students safe
- safeguard the integrity of the profession, and
- protect the due process rights of credential holders



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Who is Responsible for Educator Discipline in California?

- **School Districts** are the first line of defense for student safety. Employers may place individuals on paid or unpaid leave, if necessary.
- **Commission on Teacher Credentialing** is the licensing agency responsible for awarding credentials to qualified individuals and, if appropriate, taking action against the credential.
- The Commission's **Committee of Credentials** is statutorily charged with evaluating the moral character and fitness of all certificated personnel.



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What is the Committee of Credentials?

- The Committee of Credentials (COC) is the Commission-delegated body of individuals who review allegations of misconduct against credential holders and applicants and recommend an appropriate adverse action when necessary to the Commission
- Committee meets 3-4 days each month at the Commission's offices in Sacramento

§ 44240



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What is the Committee of Credentials?

(continued)

- The COC is comprised of seven members appointed by the Commission for two-year terms:
 - (1) elementary teacher
 - (1) secondary teacher
 - (1) school board member
 - (1) school administrator, and
 - (3) public representatives
- The Division of Professional Practices (DPP) supports the disciplinary work of the Commission and the Committee of Credentials



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How does the Commission Find out about Possible Educator Misconduct?

- Rap sheets**, law enforcement reports, and reports from other licensing agencies
- An **affidavit** signed by a person with personal knowledge of the alleged misconduct
- Notification** from an **educational employer** that, as a result of or while allegations of misconduct were pending, a credential holder:
 - was non-reelected or dismissed
 - resigned, retired, or otherwise left employment
 - was suspended for more than ten days (not unpaid administrative leave).



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How does the Commission Find out about Possible Educator Misconduct?(continued)

- Notice** from an employer that a complaint was filed with the school district alleging **sexual misconduct** by a credential holder.
- A **notice** regarding:
 - failure to fulfill an employment contract
 - recruitment of students as customers using school data
 - false expenditures
 - cheating on a licensing examination



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How does the Commission Find out about Possible Educator Misconduct? (continued)

- An **application** with a “yes” response to a **professional fitness question** or failure to disclose when a “yes” response was required.

§§ 44242.5(b)
44420, 44421.1,
44421.5, 44439



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Misconduct Reports

	05/06	06/07	07/08	08/09	09/10
DOJ Reports and others	4846	4490	3376	3777	5352
Affidavit	139	47	223	134	130
School District Reports	139	238	211	231	241
Totals	5124	4775	3810	4143	5723



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What is Jurisdiction?

Jurisdiction is the legal authority to take action

For the Commission’s discipline process there are two kinds of jurisdiction:

- Initial
- Formal



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What is Initial Jurisdiction?

- Any of the preceding (slides 8-10) provides the Committee with initial jurisdiction, which is necessary for the Committee to investigate allegations against a credential applicant or holder.
- In order to hold a formal review and recommend possible discipline, the Committee must also have formal jurisdiction.



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How does the Commission Obtain Formal Jurisdiction?

- Similar to initial jurisdiction in most cases; however, the most significant difference is that **an arrest does not provide formal jurisdiction**.
- Generally, for formal jurisdiction in a criminal matter, the Commission must have evidence of a conviction.

§ 44242.5 (d)



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When is a Credential Suspended by Operation of Law ("Auto-Suspend")?

- When a **credential holder is charged** with:
 - Specified sex crimes, or
 - Specified narcotic crimes that involve a minor
 (Note that an **arrest** is still not enough; the credential holder must be **charged** with the crime.)
- A "no contest" or nolo contendere plea to certain misdemeanors
- Revocation in another state for the type of misconduct that can lead to revocation in California

§ 44940 (d) (2)
44424(b),
44425(b) and
44423.5

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When is a Credential Denied or Revoked by Operation of Law ("Mandatory")?

The Commission is prohibited from issuing any credential to, and is required to revoke a credential already issued, to a person:

- convicted of specified sex offenses
- convicted of specified narcotics offenses
- convicted of any crime listed in Education Code § 44424
- found to be insane by a federal or state court
- judicially determined to be a mentally disordered sex offender under the law

§§ 44346, 44346.1,
44424 and 44425

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When is a Credential Denied or Revoked by Operation of Law ("Mandatory")? (continued)

- A credential holder will also have all credentials revoked if as a condition of probation or sentencing:
 - the holder's ability to associate with minors has been limited, or
 - the holder has been ordered to surrender his or her credentials

§ 44423.6



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Mandatory Revocations and Denials

Mandatory Actions					
	05/06	06/07	07/08	08/09	09/10
Revocations	114	114	103	90	202
Denials	38	36	42	29	64
Total Mandatory Actions	152	150	145	119	266




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Commission on Teacher Credentialing

If the Misconduct does not Require Mandatory Revocation or Denial, What Happens?

- Investigation closes—consent calendar
- Letter of Inquiry (LOI)
- Confidential Investigation Report (CIR)
- Initial Review (case could close or move forward)
- Formal Review (case could close or recommend adverse action)

§ § 44242.5, 44242.5(c), 44242.5(c) (2), and 44244(d)



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Commission on Teacher Credentialing

What does the Committee Consider When it Reviews an Allegation of Misconduct?

The Committee considers:

- the nature and severity of the offense
- its relationship to children and teaching
- the recency of the acts or crimes
- compliance with court sanctions, and
- any evidence of rehabilitation



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Commission on Teacher Credentialing

What Actions can the Committee Recommend?

<u>For Credential Holders</u>	<u>For Applicants</u>
<ul style="list-style-type: none"> Close Case Private Admonition Public Reproval Suspension Revocation 	<ul style="list-style-type: none"> Grant Deny




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Commission on Teacher Credentialing

Discretionary Actions

Discretionary Actions					
	05/06	06/07	07/08	08/09	09/10
Private Admonition	16	16	24	20	19
Public Reproval	56	78	82	66	55
Suspension	172	267	279	194	207
Revocation	245	197	166	131	104
Denial (Applicant)	107	82	65	44	49
Total	596	640	616	455	434



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Commission on Teacher Credentialing

What Happens Next?

The holder or applicant may:

- Accept the Committee’s recommendation
- Request reconsideration
- Request administrative hearing (appeal)



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Commission on Teacher Credentialing

Questions?

Please send your questions to

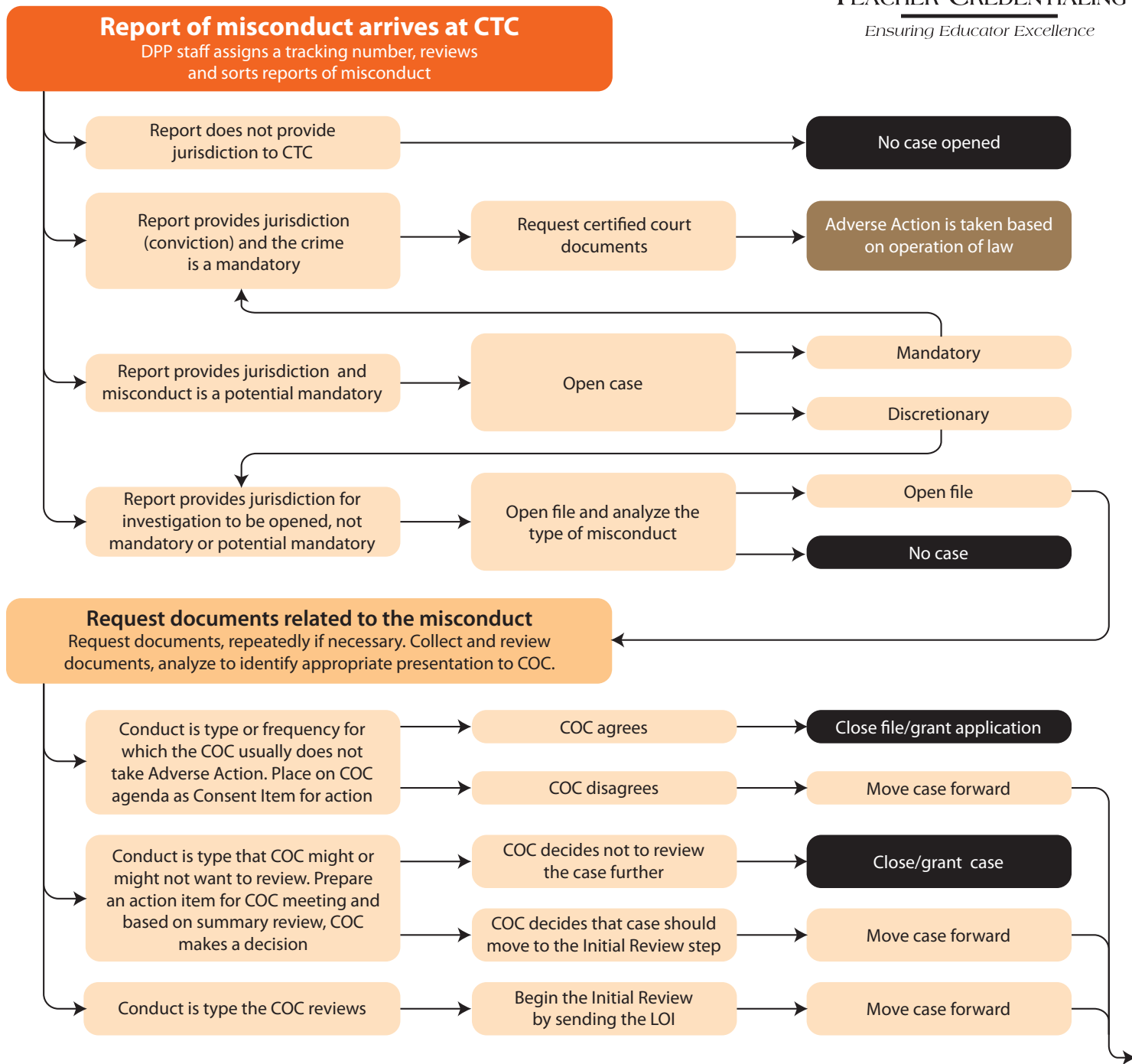
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Educator Discipline Workflow



Continued on following page

KEY TERMS:

CTC: Commission on Teacher Credentialing

DPP: Division of Professional Practices

COC: Committee of Credentials

LOI: Letter of Inquiry

CIR: Confidential Investigative Report

Applicant: Individual applying for initial credential in California.

Credential Holder: Individual who holds credential in California, may be applying for an additional credential/authorization.

Initial Review: The COC reviews CIR to decide whether to move the case forward for Formal Review or can close/grant at this time.

Formal Review: The COC reviews CIR and additional information submitted by the respondent. Respondent may appear before the COC. The COC can either close the case, credential, or recommend an adverse action to the CTC.

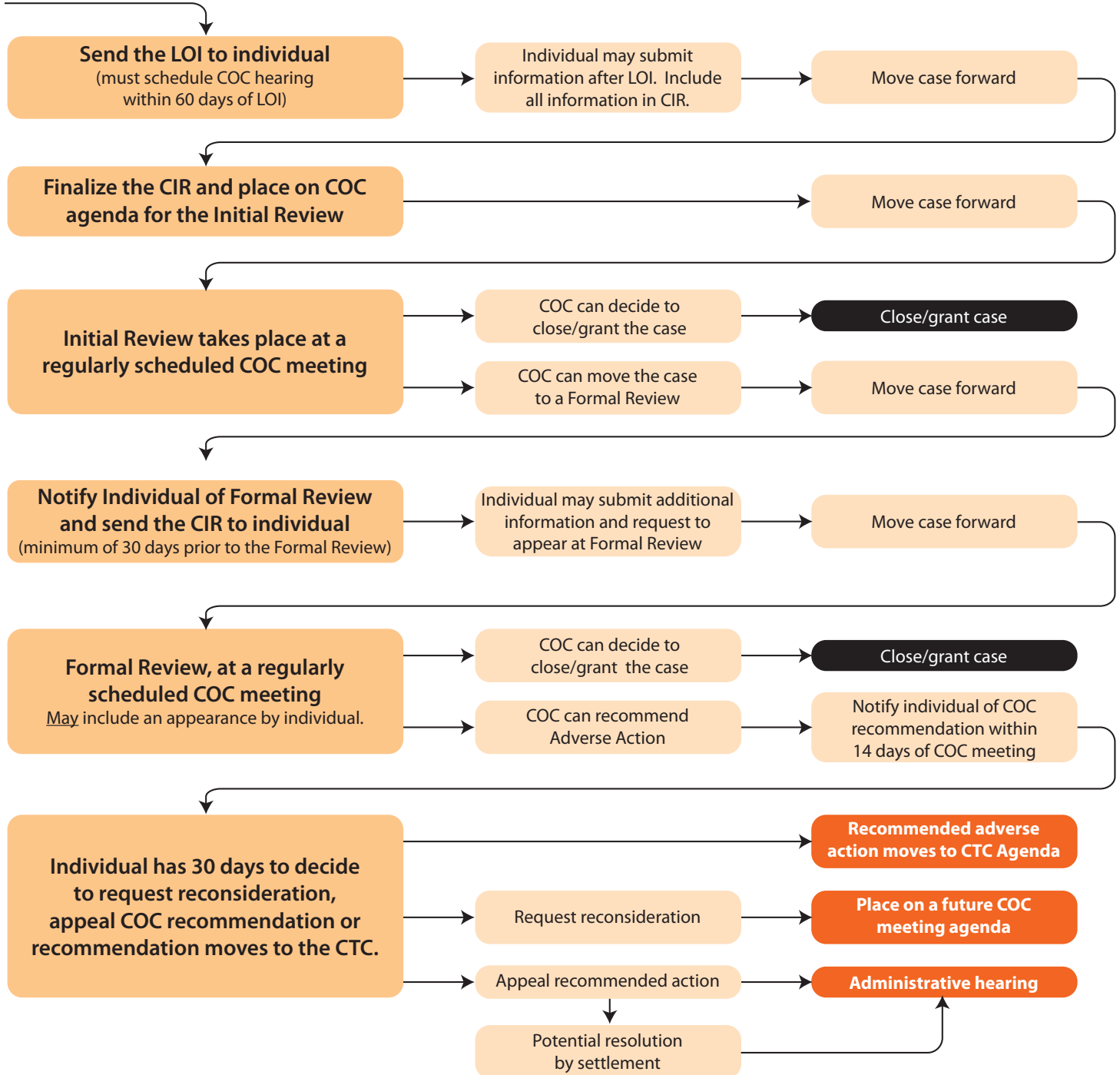
Adverse Action: Disciplinary actions ranging from private admonition to credential revocation or denial.

Credential: A credential, certificate, life diploma, permit, certificate of clearance or waiver issued by the Commission.

Educator Discipline Workflow

(continued)

Continued from previous page



COC Actions or possible Adverse Actions:

Applicant: "Grant" or "Deny the Credential"

Holder: "Close Case", "Private Admonition", "Public Reprimand", "Suspend" (1-365 days), or "Revoke" all Credentials

NOTE:

Applicants have the burden of proof — they are applying for a license. Actions are to "Grant the credential" or "Deny the credential." Credential holders hold a credential and the Commission has the burden of proof because the Commission would be taking away the individual's property right to that credential.